

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

JESSICA RAMIREZ, parent of *
NICHOLAS HERNANDEZ, deceased, *

Petitioner, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

No. 09-520V

Special Master Christian J. Moran

Filed: May 7, 2013

Attorneys' fees and costs; stipulation of
fact; award in the amount to which
respondent does not object

UNPUBLISHED DECISION ON FEES AND COSTS¹

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner;
Glenn A. MacLeod, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioner, Jessica Ramirez, filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter on April 24, 2013. Previously, petitioner informally submitted a draft application for attorneys' fees and costs to respondent for review. In informal discussions, respondent raised objections to certain items in petitioner's application. Based on these discussions, petitioner amended her application to request reimbursement for attorneys' fees and costs in the amount of \$165,750.00 and petitioner's out-of-pocket costs in the amount of \$1,250.00. Respondent does not object to the amended request. The Court awards this amount.

Petitioner filed a petition for vaccine injury compensation on August 10, 2009. Petitioner amended her petition on December 11, 2009 alleging that her son Nicholas Hernandez died as a result of his receipt of the PEDIARIX vaccine on March 3, 2008. Although Ms. Ramirez has yet to be awarded compensation, the parties indicated on March 15, 2013, that they have reached a tentative settlement.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Petitioner seeks a total of **\$165,750.00** in attorneys' fees and costs for her counsel. Additionally, in compliance with General Order No. 9, petitioner has shown that she incurred **\$1,250.00** in reimbursable out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amounts requested for attorneys' fees and costs, and petitioner's costs, which total **\$167,000.00**.

After reviewing the request, the court awards:

- A. A lump sum payment of \$165,750.00 in the form of a check payable jointly to petitioner and petitioner's attorney, Ronald C. Homer, for attorneys' fees and costs available under 42 U.S.C. §300aa-15(e); and**
- B. A lump sum payment of \$1,250.00 in the form of a check payable to petitioner for out-of-pocket expenses incurred in proceeding on the petition.**

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.